

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

AMERICAN DAIRY, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-08-400-M
)	
MURRELL, HALL, McINTOSH & CO.,)	
LLP, and HENNY WEE & CO.,)	
)	
Defendants.)	

ORDER

Before the Court is defendant Henny Wee & Co.’s Motion for Reconsideration, in Part, of Court’s February 9, 2009 Discovery Order, filed February 23, 2009. On March 11, 2009, plaintiff filed its response.

“Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct error or prevent manifest injustice.” *Servants of the Paraclete v. John Does I-XVI*, 204 F.3d 1005, 1012 (10th Cir. 2000). A motion to reconsider is appropriate “where the court has misapprehended the facts, a party’s position, or the controlling law” but is not appropriate “to revisit issues already addressed or advance arguments that could have been raised in prior briefing.” *Id.*

Having carefully reviewed defendant Henny Wee & Co.’s motion, the Court finds no grounds warranting reconsideration in the case at bar. Specifically, the Court finds no intervening change in the controlling law, no new evidence previously unavailable, and no need to correct clear error or prevent manifest injustice. The Court further finds it did not misapprehend the facts, it did not misapprehend defendant Henny Wee & Co.’s position, and it did not misapprehend the controlling law. In its motion, defendant Henny Wee & Co. simply revisits issues that were

addressed in the Court's February 9, 2009 Order and advances arguments that could have been raised in prior briefing.

Accordingly, the Court DENIES defendant Henny Wee & Co.'s Motion for Reconsideration, in Part, of Court's February 9, 2009 Discovery Order [docket no. 52].

IT IS SO ORDERED this 14th day of May, 2009.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE